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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,977	10/16/2003	Rafael L. Espinoza	1856-27301 (9646.0-01)	8104

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EXAMINER

PARSA, JAFAR F

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,977	<b>Applicant(s)</b> ESPINOZA ET AL.	
	<b>Examiner</b> Jafar Parsa	<b>Art Unit</b> 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1,6,10,11 and 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5,7-9,12-21 and 27-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/24/05; 7/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

*RD*

### DETAILED ACTION

Applicant's election without traverse of Group II in the reply filed on 1/31/2005 is acknowledged.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29, 2—5, 7-9, 12-21, 27-28, 30-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Singleton et al (USPN 6,262,132).

Singleton teaches a process for producing hydrocarbons in a slurry bubble column reactor. The synthesis gas feed used in the reaction process have a CO: H<sup>2</sup> volume ratio of 0.5 to 3. The Fischer Tropsch-Tropsch reaction is carried out at a temperature from about 190 to about 300 °C and pressure in the range of from about 50 to 900 psig (see col. 11, line 49 through col. 12, line 24). Singleton also discloses a process for preparing Fischer-Tropsch catalyst comprising:

alumina in the boehmite form was calcined at 500 °C for 10 hours. It was then presieved to 400-170 mesh (i.e. particle size of greater than 38 microns and lower than 88 microns) impregnated with a aqueous solution of cobalt nitrate and ruthenium (III) nitrosyl nitrate using an appropriate quantities to achieve incipient wetness with desire loading of Co and Ru. The catalyst precursor was then dried in air at 115 °C for 5 hours

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and calcined in air at 300 °C for 2 hours. Finally, the catalyst was reduced at 300cc/g/hr of pure hydrogen by heating at 1C/min to 350 °C and holding for 10 hours (see Example 7). Singleton discloses that the catalyst compositions comprise (per 100 parts by weight of support): from about 10 to about 70 pbw cobalt; from 0.1 to about 8 pbw ruthenium. The surface area after the calcinations is from about 200 to about 260 m<sup>2</sup>/g; and a porosity in the range of about 0.4 to about 1.0 Cm<sup>3</sup>/g (see col. 6, lines 7-24 and col. 6, lines 59-67). The examiner notes that the Fischer-Tropsch catalyst made by a method described in claim 29 is a product-by-process claim, product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jafar Parsa whose telephone number is (571)272-0643. The examiner can normally be reached on 8 a.m.-4:30 p.m. (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP  
April 10, 2005

Jafar Parsa  
Primary Examiner  
Art Unit 1621



**J. PARSA**  
**PRIMARY EXAMINER**